

BOX DAC  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schmeichel, et al. ) Docket No.: A20-009-01-US  
 Serial No.: 09/930,680 )  
 Filed: August 14, 2001 ) Group Art Unit: 3612  
 For: TONNEAU COVER END PLATE ) Examiner: Unknown  
 SECURING MECHANISM )  
 HAVING A RADIAL ENGAGING )  
 SURFACE )

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Box DAC  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

## PETITION FOR CORRECTED FILING DATE UNDER 37 CFR SECTION 1.10(d)

The undersigned attorney, on behalf of the Applicant(s), respectfully petitions the U.S. Patent and Trademark Office to correct the filing date on the filing receipt for the application having the title and serial number identified above. It is respectfully submitted that the application was mailed to the U.S. Patent and Trademark Office (USPTO) by Express Mail on August 14, 2001 and, although United States Postal Service (USPS) records indicate that it was received by the USPS on August 14, 2001, the "date-in" marking on the "Express Mail" mailing label was omitted by the USPS. Correction of the filing receipt to accord the application with the filing date when the application was received by the USPS, August 14, 2001, is respectfully requested.

37 CFR Section 1.10(d) indicates that: Repln. Ref: 03/07/2002-AKELLEY-0008411800  
 Dkt#: 134300 Name/Number: 09930680  
 FC: 704 \$130.00 CR

"Any person filing correspondence under this section that was received by the Office and delivered by the 'Express Mail Post Office to Addressee' service of the USPS, who can show that the 'date-in' on the 'Express Mail' mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS . . . ." (Emphasis added)

Date: December 14, 2001 CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Susan J. Anderson  
 Name of Person Mailing Document

*Susan J. Anderson*  
 Signature

01/24/2002 AWONDAF1 00000025 09930680

01 FC:122

130.00 OP

Adjustment  
 Date: 03/07/2002  
 01/24/2002 AWONDAF1-00000025-09930680  
 01 FC:122

As indicated by the attached documents, the above-identified application was mailed by Express Mail on August 14, 2001 with a Certificate of Mailing under 37 CFR Section 1.10 and was addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington D. C. 20231. Enclosed is a copy of the Express Mail label, Label No. EL 850930164 US, which was attached to the envelope in which the above-identified application was mailed. The address indicates that the party to which the application was mailed was the Assistant Commissioner for Patents, Box Patent Application, Washington, D. C. 20231. The mailing label indicates that the package was weighed and the total postage and fees were determined, but the USPS omitted entering a date in the date-in box in the Express Mail mailing label. As shown on the attached copy of our office Express Mail Deposit Log, the application was placed in the U.S. Express Mail Drop Box at 3:10 p.m. on August 14, 2001, in the Wells Fargo Center mail room, a drop box location for Express Mail having a final pickup time of 5:00 p.m. Monday through Friday. In addition, we have enclosed a copy of the transmittal sheet for the application and a copy of the last page of the application upon each of which a 37 CFR Section 1.10 Certificate of Mailing was affixed. As indicated in the attached Affidavit, recorded and/or electronically generated messages heard by Susan Anderson, when calling the U.S. Post Office Express Mail Status Line on August 28, 2001 to determine the date and time that the above-identified application was picked up from an Express Mail drop box in the basement of the Wells Fargo Center in Minneapolis, Minnesota, indicate that the application was picked up by the USPS on August 14, 2001. Also enclosed is a copy of a fax transmission received from the USPS on August 28, 2001, in response to a request for information regarding the Express Mail item mailed with this mailing label. The fax response from the USPS indicates that the item was delivered to the recipient (presumably the U.S. Patent and Trademark Office) on August 15, 2001 at 2:05 P.M. It is respectfully submitted that it is highly unlikely that an Express Mail item picked up by the USPS after August 14, 2001 could be delivered in a different city on August 15, 2001 at 2:05 P.M. It is believed that all Express Mail Packages are delivered at least one day later. Therefore, in view of the improbability that the pick-up day could have been any later than August 14, 2001, it is respectfully submitted that the only reasonable conclusion one might draw from this evidence is that the application was indeed mailed by Express Mail on August 14, 2001 and that this date should be the date accorded to the above-identified application as its correct filing date.

Enclosed is a copy of the filing receipt for the above-identified application mailed September 21, 2001. The filing receipt indicates incorrectly that the above-identified application was filed with the U.S. Patent and Trademark Office on August 16, 2001.

Correction of the Filing Receipt to indicate a filing date of August 14, 2001 is respectfully requested. A check for the fee required for the Petition is enclosed. Please charge any additional fees or surcharges necessary to the Deposit Account of the

undersigned firm of attorneys, Deposit Account No.13-4300, or credit any overpayment thereto. Thank you.

Respectfully submitted,

for the Applicants

by their Attorneys,

MOORE & HANSEN  
2900 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
(612) 332-8200  
Customer No. 22854

Date: December 14, 2001

By: Robert C. Freed  
Robert C. Freed, Reg. No. 32,569



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EL 850930164 US

### ORIGIN (POSTAL USE ONLY)

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Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage <b>\$16.25</b>
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**A20-009-01-US**

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# EXPRESS MAIL DEPOSIT LOG

Drop Box Location    Deposit Date    Time of Deposit    Time of Last Pick up

Date	Time	Initials	File No.	Express Mail NO.	App Serial No.	Client Name	Drop Box Location	Deposit Date	Time of Deposit	Time of Last Pick up
8/2/01	2:40 pm	SSA	88-017-01-US	EL850930613-45	09/406,551	Brennen Med.				
8/16/01	2:13	JJ	1128-001-01-US	EL65837165-45		MOORE FISH				
8/16/01	3:03	JJ	719-003-01-US	EL658370226-45	new	Garcia				
8/16/01	4:15	SSA	03-012-01-US	EL8509309500-45	new	CP1				
8/16/01	4:00 pm	SSA	13-010-02-US	EL850930133-45	New	Seppening				
8/14/01	10:15 a.m.	LS	215-028-01-US	EL850930969-45	1,911,420	Rockwood				
8/14/01	11:15 a.m.	LS	14-005-01-US	EL850930955-45	1,165,518	L-DI				
8/14/01	2:10 pm	SSA	A20-009-01-US	EL850930164-45	New	Agri-Cover				
8/14/01	2:10 pm	SSA	A20-011-03-US	EL850930178-45	New	Agri-Cover				
8/14/01	2:10 pm	SSA	A20-015-01-US	EL850930181-45	New	Agri-Cover				
8/14/01	2:10 pm	SSA	A20-024-01-US	EL850930195-45	New	Agri-Cover				
8/15/01	11:02 a.m.	LS	76-002-01-US	EL850930972-45	75/832,694	2KF				
8/15/01	3:50	JJ	77-025-01-00	EL658371151-45	75/826,822	Back of Pains				
8/16/01	10:10 pm	SSA	S2-026-02-00	EL850930304-45	PL4050117854	Skidell				
8/16/01	12:28	JJ	72-073-01-US	EL658371145-45	10/303,982	Satratel				
8/16/01	3:55	JJ	728-002-01-00	EL658371134	App. 123,074	Boysenberry				
8/16/01	4:12	LS	1120-002-01-US	EL850930986-45	New app.	Woodshed				
8/16/01	11:45	JJ	EL2-094-01-215	EL6583702545	76/41,637	Intertel				
8/16/01	11:47	JJ	EL2-095-01-215	EL6583702845	76/41,637	Intertel				
8/16/01	11:48	JJ	EL2-096-01-215	EL65837025745	76/41,638	Intertel				

Note: white area to be filled out by secretary

TMEP 702.02(e)

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Box Patent Application  
Washington, D.C. 20231



MOORE & HANSEN  
2900 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
(612) 332-8200

Sir:

Transmitted herewith is a(n): X Utility      Design patent application of:  
     Document relating to the application of:

Inventor(s): Charles M. Schmeichel  
Rural Route 1  
Jamestown, ND 58401  
Citizenship: USA

Steven C. Schmeichel  
8255 - 30<sup>th</sup> Street SE  
Jamestown, ND 58401  
Citizenship: USA

For: TONNEAU COVER END PLATE SECURING MECHANISM HAVING A RADIAL ENGAGING SURFACE

Enclosed herewith for filing are:

24 Page(s) of Specification.  
6 Page(s) of Claims.  
1 Page(s) of Abstract.  
14 Sheet(s) of Drawings.

X An unsigned combined Declaration, Power of Attorney, and Petition.  
     A verified statement to establish small entity status.  
     An Assignment of the invention to                                 .  
     A certified copy of a                                  application.

     Other:

The filing fee has been calculated as shown below:

For:	(Col. 1 )	(Col. 2)	SMALL ENTITY		[OR]	OTHER THAN SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE		RATE	FEE
BASIC FEE	--	--	--	355	[OR]	--	\$710
TOTAL CLAIMS	16	- 20= 0	x9= \$	0	[OR]	x18=	\$
IND. CLAIMS	3	- 3= 0	x40= \$	0	[OR]	x78=	\$
If the difference in Col. 1 is less than zero, enter "0" in Col. 2							
MULTIPLE DEPENDENT CLAIM PRESENTED			x130= \$	0	[OR]	x260=	\$
ASSIGNMENT			+40	\$ 0	[OR]	+40	\$
			<b>TOTAL</b>	<b>\$355</b>	[OR]	<b>TOTAL</b>	<b>\$</b>

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.10)

Express Mail Label No. EL 850930164 US

Date of Deposit: August 17, 2001

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service "Express Mail" Service under 37 CFR 1.10, in an envelope addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231

Susan J. Anderson  
Print Name of Person Mailing Correspondence

Susan J. Anderson  
[Signature]

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X A check in the amount of \$355.00 to cover the filing fee is enclosed.  
Please charge Deposit Account No. 13-4300 in the amount of \$\_\_\_\_\_.00.  
Two duplicate copies of this sheet are enclosed.

X The Commissioner is hereby authorized to charge the following fees associated with this communication or during the pendency of this application, or credit any overpayment, to Deposit Account 13-4300.  
Two duplicate copies of this sheet are enclosed.

X Any additional filing fees required under 37 CFR §1.16, including any filing fees for presenting extra claims.

X Any patent application processing fees under 37 CFR §1.17, including any fee or deficiency in connection with a time extension necessary to make any Response to an Office Action timely.

\_\_\_\_ The issue fee set forth in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

Date: August 14, 2001

Robert C. Freed  
Robert C. Freed, Reg. No. 32,569

## ABSTRACT OF THE INVENTION

A tonneau cover apparatus for attaching a flexible cover about a cargo box of a vehicle, preferably a pickup truck. The apparatus preferably includes, a support frame removably  
5 attached about the perimeter of a cargo box of the vehicle, an elongated end plate attached to an end of the flexible cover and an end plate engagement member attached to the support frame, preferably one on each side of the support frame. The end plate is preferably attached to an end of the flexible cover and is configured to cooperatively  
10 engage and pivot with respect to the end plate engagement member and into and out of a fixed stretching position wherein the flexible cover can be correspondingly be tensed and relaxed. The end plate engagement member preferably has a radial receiving surface and the end plate has a radial engaging surface, which engages the radial receiving surface when the end plate pivots into the fixed stretching position.

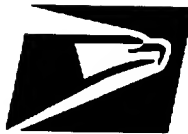
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Date of Deposit 08/14/2001  
I hereby certify that this paper or fee is being deposited with  
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Susan J. Anderson  
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Susan J. Anderson  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/930,680	08/16/2001	3612	355	A20-009-01- US	14	16	3

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**MOORE & HANSEN**

CONFIRMATION NO. 3176

FILING RECEIPT



\*OC00000006591572\*

Robert C. Freed  
MOORE & HANSEN  
2900 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402

Date Mailed: 09/21/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Charles M. Schmeichel, Jamestown, ND;  
Steven C. Schmeichel, Jamestown, ND;

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/225,109 08/14/2000

**Foreign Applications**

If Required, Foreign Filing License Granted 09/21/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Tonneau cover end plate securing mechanism having a radial engaging surface

**Preliminary Class**

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ATS 9/24/01

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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